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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,321	03/29/2001	Hidehiko Teshirogi	450100-03092	2271

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NEW YORK, NY 10151

EXAMINER
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NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/821,321

Applicant(s)

TESHIROGI ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Oguro (6,026,212) .

Regarding claim 1 Oguro discloses a magnetic-tape recording apparatus (column 1, lines 15-40, Fig. 9 column 8, line 50-column 9, lines 45) for recording digital data on a magnetic tape(20) by a rotating head )11) , comprising:

first obtaining means ( 5,67) for obtaining predetermined-unit video data sync block (column 1, line 15-40);

second obtaining means (9) for obtaining audio data corresponding to the predetermined-unit video data (Fig. 1);

synthesizing means (8) for synthesizing the predetermined-unit video data and the audio data corresponding to the predetermined-unit video data such that they are continuous on a track in the magnetic tape without any space disposed therebetween (Fig. 1, column 1) ; and

sending means for sending data synthesized by the synthesizing means to the rotating head in order to record the data on the magnetic tape (Fig. 1, column 1) .

Method claim 5 and 6 correspond to apparatus claim 1. Therefore method claims 5 and 6 are rejected by the same reason as applied to apparatus claim 1.

Further for claim 6, Oguro teaches a program stored on a medium for performing the method of claim 6 since the generating audio and video data, arranging the audio and video on the tape is controlled by a controller of the apparatus.

Regarding claim 7, Oguro teach a reproducing apparatus for reading by a rotating head a magnetic tape into which compressed, high quality or standard. predetermined-unit, video data and audio data corresponding to the predetermined-unit video data are recorded such that they are continuous on a track without any space disposed therebetween (Fig. 1, Fig. 19) comprising:

first decompression means (26,26) for decompressing the compressed, high-quality video data among data read from the magnetic tape by the rotating head (column 13, lines 1-5, column 15, lines 59-65) ;

second decompression means (23) for decompressing the compressed audio data among the data read from the magnetic tape by the rotating head (column 12, lines 30-5)) ;

detecting means (22) for detecting distinguish information for distinguishing the video data from the audio data, from the data read from the magnetic tape by the rotating head (column 12, lines 35-40) ; and

selection means (22) for selecting the first decompression means or the second decompression means according to the result of detection performed by the detecting

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means to process the data read from the magnetic tape by the rotating head (column 12, lines 30 65)..

Method claim 9 and 10 correspond to apparatus claim 7. therefore method claim 9 and 10 are rejected by the same reason as applied to apparatus claim 7.

Further for claim 10 ,Oguro teaches a program stored on a medium for performing the method of claim 10 since the generating audio and video data , arranging the audio and video on the tape , decompressing the video data and audio data is controlled by a controller of the apparatus

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1,4-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkuma et al .

Regarding claim 1, Ohkuma discloses a magnetic-tape recording apparatus (Fig. 14,15 a, column 11) for recording digital data on a magnetic tape by a rotating head, comprising:

first obtaining means (233) for obtaining predetermined-unit video data (Fig. 23);

second obtaining means (204,205) for obtaining audio data corresponding to the predetermined-unit video data (Fig. 23);

synthesizing means (207) for synthesizing the predetermined-unit video data and the audio data corresponding to the predetermined-unit video data such that they are continuous on a track in the magnetic tape; and

sending means for sending data synthesized by the synthesizing means to the rotating head in order to record the data on the magnetic tape (column 11, Fig. 23) .

Ohkuma fails to teach that the video and audio are provided without any space therebetween .

However, it is noted eliminating a part that will cause losing its function is obvious to one of ordinary skill in the art ( See Elimination of an element and its function---*In re Karlson*, 153 USPQ 184 (CCPA 1963).. Therefore, it would have been obvious to one of ordinary skill in the art to modify Ohkuma by eliminating the gap generating means of Ohkuma thereby eliminating the space between the video data and audio data.

Regarding claim 4, Ohkuma further teaches third obtaining means (19, Fig. 15 b) for obtaining. as the video data, compressed standard video data, wherein the high-quality video data obtained by the first obtaining means includes distinguish information for distinguishing the high-quality video data from the standard video data (column 13, lines 35-40); and

the synthesizing means selects the high-quality video data compressed by the compression means or the compressed standard video data obtained by the third obtaining means and synthesizes (column 13, lines 50 to column 14, line 6.

Method claims 5 and 6 correspond to apparatus claim 1. Therefore method claims 5 and 6 are rejected by the same reason as applied to apparatus claim 1.

Further for claim 6, Ohkuma teaches a program stored on a medium for performing the method of claim 6 since the generating audio and video data , arranging the audio and video on the tape is controlled by a controller of the apparatus.

Regarding claim 7, Ohkuma further teach apparatus for reading by a rotating head a magnetic tape into which compressed, high quality or standard. predetermined-unit, video data and audio data corresponding to the predetermined-unit video data are recorded such that they are continuous on a track (Figs. 14-15,22,23) comprising:

first decompression means (235) for decompressing the compressed, high-quality video data among data read from the magnetic tape by the rotating head;

second decompression means (221) for decompressing the compressed audio data among the data read from the magnetic tape by the rotating head (column 11 lines 10-40, lines 55-65) ;

detecting means (220) for detecting distinguish information for distinguishing the video data from the audio data, from the data read from the magnetic tape by the rotating head (column 11, lines 45-68) ; and

selection means for selecting the first decompression means or the second decompression means according to the result of detection performed by the detecting means to process the data read from the magnetic tape by the rotating head (column 11 lines 10-40, lines 45-65).

Ohkuma fails to teach that the video and audio are provided without any space therebetween .

However, it is noted eliminating a part that will cause loosing its function is obvious to one of ordinary skill in the art ( See Elimination of an element and its function---*In re Karlson*, 153 USPQ 184 (CCPA 1963).. Therefore, it would have been obvious to one of ordinary skill in the art to modify Ohkuma by eliminating the gap generating means of Ohkuma thereby eliminating the space between the video data and audio data.

Method claims 9 and 10 correspond to apparatus claim 7. therefore method claim 9 and 10 are rejected by the same reason as applied to apparatus claim 7.

Further for claim 10 ,Ohkuma teaches a program stored on a medium for performing the method of claim 10 since the generating audio and video data ,



arranging the audio and video on the tape , decompressing the video data and audio data is controlled by a controller of the apparatus.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkuma et al (5,574,570) in view of Lee (5,940,016) .

Regarding claim 2, Ohkuma further teach a compression means (23, Fig. 14) for compressing the high-quality video data obtained by the first obtaining means, wherein the first obtaining means obtains as the video data, high-quality video data (column 11), but fails to teach that the predetermined-unit video data is the data of pictures whose number is indicated by the value of M in a GOP structure.

Lee teaches a high quality video signal is a GOP (MPEG system, column 1 lines 5-32) ) that each GOP having a M pictures . It would have bee obvious to one of ordinary skill in the at to modify Ohkuma with Lee by providing the Okuma apparatus a high quality video signal that comprises GOPs as taught by Lee as alternative source signal thereby enhancing the apparatus of Ohkuma for additionally receiving the high quality video signal of GOP .

Regarding claim 3, Ohkuma as modified with Lee further teaches a magnetic tape recording apparatus according to the compression means compresses the high-

quality video data by an MP@HL or MP@H-14 method . See Lee column 6, lines 20-25).

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6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkuma et al (5,574,570) in view of Lee (5,940,016) .

Regarding claim 8, Ohkuma fails to teach that the first decompression means decompresses the high-quality video data by an MP@HL or MP@H-14 method.

Lee teaches a decompressing means using an MP@HL or MP@H-14 method. For decompressing a high quality video signal hat a high quality video signal (See Lee column 6, lines 20-5). It would have been obvious to one of ordinary skill in the art to modify Ohkuma with Lee by providing the Okuma apparatus with a decompressing means for decompressing the high quality video signal as an alternative to the decompressing means of Ohkuma in the case that the high quality video signal has been compressed by MP@HL or MP@H-14 method of MPEG system . Thereby enhancing the capacity of the apparatus of Ohkuma .

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (571) 272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N

  
HUY NGUYEN  
PRIMARY EXAMINER